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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,896	07/28/2006	Kaoru Hoshide	062710	2369
38834 7590 09/30/2009 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER ZAGARELLA, SALVATORE				
ART UNIT 3637		PAPER NUMBER		
NOTIFICATION DATE 09/30/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

### Office Action Summary

**Application No.**

10/587,896

**Applicant(s)**

HOSHIDE ET AL.

**Examiner**

SALVATORE D. ZAGARELLA

**Art Unit**

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-7, 9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) 2, 4/2, 5, 6/2, 9, 11/9, 12, and 13/9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4/1, 6/1, 7, 11/7, 13/7, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/24/2008, 11/14/2007, 9/19/2006, and 7/28/2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_



**DETAILED ACTION**

***Election/Restrictions***

1. Claims 2, 4/2, 5, 6/2, 9, 11/9, 12, and 13/9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/29/2009.
2. Applicant's election without traverse of Species I claims 1, 4/1, 6/1, 7, 11/7, 13/7, 14, and 15 in the reply filed on 6/29/2009 is acknowledged.

***Specification***

3. The disclosure is objected to because of the following informalities: page 3, line 7 and page 5, line 14 recite the word "fee" this should read "free", page 3, line 11 should read "at least a surface of the roller".

Appropriate correction is required.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 1 recites the limitation "fixed side" in line 4 also claim 7 recites the limitation "frame body" in line 2.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4/1, 6/1, 7, 11/7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozawa (JP 11-94455).

7. Regarding claim 1, Ozawa discloses a movable body driving device (element 21 in Figure 6) including a movable body (element 11 in Figure 6) which is adapted to be movable in a certain direction and a driving mechanism (elements 35, 39 and 40 in Figure 6), said driving mechanism (elements 35, 39 and 40 in Figure 6) comprising a rotary member (element 22 in Figure 6) rotatably supported on a first supporting member (element 25 in Figure 5), a driving means (elements 35 and 40 in Figure 6) for rotating said rotary member (element 22 in Figure 6), a second supporting member (element 5 in figure 5) which is fixed to a fixed side (element 1 in Figure 1) an elastic member (element 26 in Figure 6) which is arranged between said first supporting member (element 25 in Figure 5) and said second supporting member (element 5 in Figure 5), wherein said rotary member (element 22 in Figure 6) of said driving mechanism (elements 35, 39, and in Figure 6) is engaged with said movable body (element 11 in Figure 6) with predetermined force using elastic force of said elastic member (element 26 in Figure 6) and said movable body (element 11 in Figure 6) is

moved by rotating said rotary member (element 22 in Figure 6) as discussed in paragraph 0051 and 0029.

8. Regarding claim 4/1, Ozawa discloses a movable body driving device (element 21 in Figure 6) wherein the first supporting member (element 25 in Figure 5) is supported on the second supporting member (element 5 in Figure 5) in such a manner as to allow linear movement of the first supporting member (element 25 in Figure 5) relative to the second supporting member (element 5 in Figure 5) and is biased by the elastic member (element 26 in Figure 6) in such a direction that the first supporting member (element 25 in Figure 5) approaches the movable body (as discussed in paragraph 0051).

9. Regarding claim 6/1, Ozawa discloses a movable body driving device (element 21 in Figure 6) wherein the rotary member (element 22 in Figure 6) is a roller (as discussed in paragraph 0051) and is in contact with the movable body (element 11 in Figure 6) to move the movable body (element 11 in Figure 6) by frictional force between the roller and the movable body (as discussed in the abstract).

10. Regarding claim 7, Ozawa discloses automatic drawer equipment (element 21 in figure 6) including a drawer (element 11 in Figure 6) which can be opened and closed relative to a frame body (element 18 in Figure 1) and a drawer driving mechanism (elements 35, 39, and 40 in Figure 6), said drawer driving mechanism (elements 35, 39

and 40 in figure 6) comprising a rotary member (element 22 in Figure 6) rotatably supported on a first supporting member (element 25 in figure 5), a driving means (element 35 and 40 in Figure 6) for rotating said rotary member (element 22 in Figure 6), a second supporting member (element 5 in Figure 6) which is fixed to said frame body (element 1 in Figure 1), and an elastic member (element 26 in Figure 6) which is arranged between said first supporting member (element 25 in Figure 5) and said second supporting member (element 5 in Figure 5), wherein said rotary member (element 22 in Figure 6) of said drawer driving mechanism (elements 35, 39 and 40 in Figure 6) is engaged with a lower surface (element 11c in Figure 6 of the drawer (element 11 in figure 6) ) relative to the main refrigerator compartment (element 2 in Figure 1) with predetermined force using elastic force of said elastic member (element 26 in Figure 6) and said rotary member (element 22 in Figure 6) is rotated by said driving means (element 35 and 40 in Figure 6) to move said drawer in an opening direction and a closing direction so that said drawer is opened and closed (as discussed in paragraph 0051 and 0029).

11. Regarding claim 11/7, Ozawa discloses automatic drawer equipment (element 21 in Figure 6) wherein the first supporting member (element 25 in Figure 5) is supported on the second supporting member (element 5 in Figure 5) in such a manner as to allow linear movement of the first supporting member (element 25 in Figure 5) relative to the second supporting member (element 5 in Figure 5) and is biased by the elastic member

(element 26 in Figure 6) in such a direction that the first supporting member (element 24 in Figure 5) approaches the drawer (as discussed in paragraph 0051).

12. Regarding claim 13/1, Ozawa, discloses automatic drawer equipment (element 21 in Figure 6) wherein the rotary member (element 22 in Figure 6) is a roller (as discussed in paragraph 0051) and is in contact with the drawer (element 11 in Figure 6) to move the drawer (element 11 in Figure 6) by frictional force between the roller and the drawer (as discussed in paragraph 0046)

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa (JP 11-94455) in view of Sekerich (US 4077677).

15. Regarding claim 14, Ozawa discloses automatic drawer equipment (element 21 in Figure 6), having a roller (element 22 in Figure 6). Ozawa differs in that it fails to disclose at least the surface of the roller is made of a synthetic resin material. However, it is well known to make rollers for drawer devices out of synthetic resin material.



Attention is directed to Sekerich which discloses a roller (element 23 in Figure 2) which is made of synthetic resin (column 2, lines 66-68). Therefore it would have been obvious to one of ordinary skill in the art to have modified the automatic drawer equipment of Ozawa by employing a roller made of synthetic resin as taught by Sekerich in order to make the device rugged and at low cost.

16. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa (JP 11094455) in view of Henson (US 4494802).

17. Regarding claim 15, Ozawa, discloses automatic drawer equipment (element 21 in Figure 6) having a roller (element 22 in Figure 6) which is attached to a surface of the drawer (element 11 in Figure 6) and with which the roller (element 22 in Figure 6) comes in contact. Ozawa differs in that it fails to teach a backing member for generating frictional force in connection with the roller and attached to a surface of the drawer with which the roller comes in contact. Backing members of this type are well known in the art for their use in reinforcing the drawer apparatus. Attention is directed to Henson which discloses a backing member (element 12 in Figure 2) for reinforcing a longitudinal drawer edge (column 4, lines 25-35) and capable of generating frictional force in connection with a roller (element 6 in Figure 2 of Henson) and attached to a surface of a drawer (element 11 in Figure 2 of Henson) with which the roller comes in contact. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the automatic drawer equipment of

Ozawa by employing a backing member for generating frictional force in connection with the roller and attached to a surface of the drawer with which the roller comes in contact as taught by Henson in order to reinforce the drawer and prevent dents or deterioration due to wear (column 4, lines 25-35).

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Wasley reference discloses a sliding device balanced by two springs. The Stickley reference discloses a drawer device with coil springs which surround guide pins. The Kamezaki reference discloses a sliding mechanism supported by coil springs. The Kimura and Henry references disclose a similar system to Ozawa except using a rack and pinion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SALVATORE D. ZAGARELLA whose telephone number is (571)270-5602. The examiner can normally be reached on Monday through Friday 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571)-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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9/10/2009